

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

ANGELA KAY WOOD, DONALD LEE)	No. ED96141
ODELL WOOD, ROBERT ALLEN WOOD,)	
Plaintiffs/Appellants,)	Appeal from the Circuit Court of
)	the County of Warren
SANDRA K. WOOD,)	Cause No. 10BB-CC00026
Plaintiff/Respondent,)	Honorable Keith Sutherland
v.)	
)	
KYLE A. SMITH and CITY OF)	
WARRENTON,)	
Defendants/Defendants.)	Filed: February 21, 2012

Appellants Angela K. Wood, et al. (“Children”) appeal the judgment of the circuit court apportioning damages of Donald Wood’s (“Decedent”) wrongful death settlement between the Children and Decedent’s widow, Respondent Sandra Wood (“Sandra”).

AFFIRMED.

DIVISION TWO HOLDS The circuit court did not abuse its discretion in apportioning the settlement proceeds. The circuit court found that relationship between the Children and Decedent was transient and one of limited contact or communication. Though the testimony of the Children and Sandra conflicted as to the strength of the parent-child relationship, when presented with conflicting testimony we defer to the trial court’s determinations of credibility and resolution of the evidence. Therefore, the disproportionate settlement is justified.

Opinion by: Kenneth M. Romines, J.
Kathianne Knaup Crane, P.J. and Lawrence E. Mooney, concur.

Attorneys for Appellant: Lee R. Elliot

Attorneys for Respondent: Joel D. Brett

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
